

1 AN ACT in relation to criminal law.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Criminal Code of 1961 is amended by
5 changing Section 24-1.1 as follows:

6 (720 ILCS 5/24-1.1) (from Ch. 38, par. 24-1.1)

7 Sec. 24-1.1. Unlawful Use or Possession of Weapons by
8 Felons or Persons in the Custody of the Department of
9 Corrections Facilities.

10 (a) It is unlawful for a person to knowingly possess on
11 or about his person or on his land or in his own abode or
12 fixed place of business any weapon prohibited under Section
13 24-1 of this Act or any firearm or any firearm ammunition if
14 the person has been convicted of a felony under the laws of
15 this State or any other jurisdiction. This Section shall not
16 apply if the person has been granted relief by the Director
17 of the Department of State Police under Section 10 of the
18 Firearm Owners Identification Card Act.

19 (b) It is unlawful for any person confined in a penal
20 institution, which is a facility of the Illinois Department
21 of Corrections, to possess any weapon prohibited under
22 Section 24-1 of this Code or any firearm or firearm
23 ammunition, regardless of the intent with which he possesses
24 it.

25 (c) It shall be an affirmative defense to a violation of
26 subsection (b), that such possession was specifically
27 authorized by rule, regulation, or directive of the Illinois
28 Department of Corrections or order issued pursuant thereto.

29 (d) The defense of necessity is not available to a
30 person who is charged with a violation of subsection (b) of
31 this Section.

1 (e) Sentence. Violation of this Section by a person not
2 confined in a penal institution shall be a Class 2 ~~3~~ felony
3 for which the person, if sentenced to a term of imprisonment,
4 shall be sentenced to no less than 3 ~~2~~ years and no more than
5 14 ~~10~~ years. Violation of this Section by a person not
6 confined in a penal institution who has been convicted of a
7 forcible felony, a felony violation of Article 24 of this
8 Code or of the Firearm Owners Identification Card Act,
9 stalking or aggravated stalking, or a Class 2 or greater
10 felony under the Illinois Controlled Substances Act or the
11 Cannabis Control Act is a Class 2 felony for which the
12 person, if sentenced to a term of imprisonment, shall be
13 sentenced to not less than 3 years and not more than 14
14 years. Violation of this Section by a person who is on parole
15 or mandatory supervised release is a Class 2 felony for which
16 the person, if sentenced to a term of imprisonment, shall be
17 sentenced to not less than 3 years and not more than 14
18 years. Violation of this Section by a person not confined in
19 a penal institution is a Class X felony when the firearm
20 possessed is a machine gun. Any person who violates this
21 Section while confined in a penal institution, which is a
22 facility of the Illinois Department of Corrections, is guilty
23 of a Class 1 felony, if he possesses any weapon prohibited
24 under Section 24-1 of this Code regardless of the intent with
25 which he possesses it, a Class X felony if he possesses any
26 firearm, firearm ammunition or explosive, and a Class X
27 felony for which the offender shall be sentenced to not less
28 than 12 years and not more than 50 years when the firearm
29 possessed is a machine gun.

30 (Source: P.A. 91-544, eff. 1-1-00.)